

Application No. 09/997,974  
Amendment dated January 15, 2004  
Reply to Office Action of July 15, 2003

#### REMARKS

Upon entry of this amendment, claims 1-10 are pending. The application relates to SODm therapy for treatment of inflammatory disease, which is beneficial for the treatment of certain inflammatory diseases. Claims 1-7 are to methods of such treatment, and claims 8-10 are to compounds for treating Inflammatory disease.

#### **Continuation-in-Part Rejection**

Applicants have reinstated and replaced sections of the specification according to 37 CFR 1.121. The reinstated matter supports claims for antiinflammatory treatments and compositions now claimed. In addition, claims 1, 4 and 8 now end with a period. Claim 10 has been amended to further delineate a treatment for arthritis as a treatment for the particular type of arthritis, namely rheumatoid arthritis. The scope of claims 9 and 10, as amended, are not duplicates.

#### **Rejections under 35 U.S.C. § 102(b)**

Claims 1,2, 4-6 and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Salvemini *et al.*, "A Nonpeptidyl Mimic of Superoxide Dismutase with Therapeutic Activity in Rats" Science, 286:304-306 (1999). The specification, as amended, provides support for the invention as claimed. Because we properly claim benefit to U.S. Application No. 09/634,152, which was filed prior to the date of the above Salvemini reference, the reference is not prior art which can be cited against this application.

#### **Rejections under 35 U.S.C. § 103(a)**

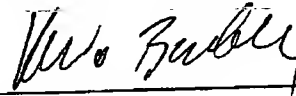
Claims 1-7 are rejected under 35 U.S.C. § 103(a) as being obvious over Salvemini *et al.*, "A Nonpeptidyl Mimic of Superoxide Dismutase with Therapeutic Activity in Rats" Science, 286:304-306 (1999). The specification, as amended, provides support for the invention as claimed. Because we properly claim benefit to U.S. Application No. 09/634,152, the above Salvemini reference is not prior art which can be used against this application.

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CONCLUSION

Prompt and favorable consideration of this application is respectfully requested. Applicants enclose herewith a Letter confirming large entity and a Petition for a Three-Month Extension of Time Pursuant to 37 C.F.R. § 1.136 and PTO-2038 to cover the \$930.00 extension fee. Any deficiency or overpayment may be charged to Deposit Account No. 19-3140.

Respectfully submitted,



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SENT VIA FACSIMILE 1/15/04